

# Notice of Allowability

Application No.

09/615,363

Examiner

Mark Fadok

Applicant(s)

BUNN ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to BPAI decision dated 2/22/2007.
2. ☒ The allowed claim(s) is/are 12-16 and 21-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Notice of Allowance***

The examiner is in receipt of BAPI Decision mailed 2/22/2007. Acknowledgement is made to the reversal of the examiner's position in favor of the appellant's for claims 12-16, 21-27 and the examiner being affirmed on claims 17, 28-33. Based on the BPAI decision to Appeal # 2006-3178 mailed 2/22/2007, the following reasons for allowance are presented below:

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Cancel claims 17 and 28-33

### ***Reasons for Allowance***

Claims 12-16 and 21-27 are allowable.

The following is an Examiner's statement of reasons for allowance for Independent claims 12.

The application is allowable for the reasons set forth in the last paragraph of page 9 through the first paragraph on page 10 of the decision of The Board of Patent Appeals and Interferences appeal No 2006-3178, which is hereby incorporated by reference. As

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noted therein, the prior art does not include inter alia "...Burke teaches displaying a three dimensional representation of a selected product on a cathode ray tube. As is known in the art, a cathode ray tube comprises a tube, a three dimensional object. Inside the tube there is a source of cathode rays that are emitted (projected) toward the front screen of the tube. Inside the front screen of the tube there is screen of material (typically phosphorous which is excited by the cathode ray to produce an image. This image is visible through the transparent front of the tube. Thus, a cathode ray tube presenting a three dimensional representation is a two dimensional image inside a three dimensional display area as claimed.... The second issue, focuses on the recitation, in claim 12, of "a monitor, functionally coupled to said processor unit, to display for viewing by said user, a selection including each said product." This limitation is separate from the recitation of a visual subsystem which contains a three dimension display area. Thus, the scope of claim 12 includes a visual subsystem and a separate monitor. As discussed supra, we find that Burke teaches the claimed visual subsystem which presents three dimensional representations. However, we do not find that Burke teaches a separate monitor in addition to the cathode ray tube, which provides a three dimensional representation".

#### **US Patents and PG-PUB**

- (i) US Patent 5,848,399 to Burke et al. discloses a method for displaying

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catalog information in a three dimensional CRT screen. Burke, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(ii) US Patent 6,831,678 to Travis teaches the use of volumetric 3D displays for presenting images, Travis, however, fails to suggest the use of the volumetric 3D displays for the display and sale of products.

(iii) US Patent 6,945,457 to Barcelou teaches displaying items using a volumetric display and the use of a second monitor to order items, Barcelou, however, fails to suggest the displaying the product that is available for sale and can be ordered as is defined in the instant claims.

#### **Foreign Patent Documents**

(iv) JP 2001194983 to Watanabe et al. teaches a method the use of three-dimensional imaging to sell products. Watanabe however, fails to teach that the three dimensional display is a volumetric 3D displays as is determined in the BAPI supra.

#### **Non-Patent Literature**

(v) Associated Press, from 892, dated 11/5/1994 teaches a method for presenting products on display using volumetric displays, however Associated Press fails to anticipate or render the application's above-mentioned limitation(s) obvious, because it does not include a second monitor.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey A. Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**

or faxed to:

**571-273-8300**

[Official communications; including  
After Final communications labeled  
"Box AF"]

For general questions the receptionist can be reached at

**571.272.3600**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Mark Fadok', with a long horizontal flourish extending to the right.

Mark Fadok

Primary Examiner